

EXHIBIT “1”

**STATE OF MICHIGAN
IN THE 16th CIRCUIT COURT FOR THE COUNTY OF MACOMB**

VIRGINIA GREUX, an individual,
Plaintiff,

Case No. 22- 000832 -NO
Hon. Carl J. Marlinga
Circuit Court Judge

v.
CHIPOTLE MEXICAN GRILL, INC.,
and
JOHN DOE, an individual
Defendants, jointly and severally

Thomas G. Krall (P75303)
Attorney for Plaintiff
26640 Harper Avenue
St. Clair Shores, MI 48081
(586) 299-1300
info@gokralllaw.com

PLAINTIFF'S COMPLAINT

NOW COMES Plaintiff, VIRGINIA GREUX by and through attorney THOMAS G. KRALL and for this Complaint against the Defendants, respectfully represents unto this Honorable Court as follows:

JURISDICTION

1. Plaintiff VIRGINIA GREUX resides in the State of Michigan.
2. Defendant CHIPOTLE MEXICAN GRILL, INC. does business at 13488 23 Mile Rd., Shelby Twp., MI 48315.
3. Defendant JOHN DOE is an individual, and an employee of CHIPOTLE MEXICAN GRILL, INC.. at the location of 13488 23 Mile Rd., Shelby Twp., MI 48315;
4. The events giving rise to this cause of action occurred within Macomb County, Michigan.
5. The amount in controversy exceeds \$25,000.

COMMON ALLEGATIONS

6. Plaintiff incorporates by reference paragraphs 1 through 5.
7. Plaintiff VIRGINIA GREUX was a customer and invitee of CHIPOTLE MEXICAN GRILL, INC., on or around June 26, 2021.

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8. Plaintiff CHIPOTLE MEXICAN GRILL, INC. attempted to consume a food product which contained a foreign object from Defendants on or around June 26, 2021.
9. The food that was purchased from Defendants and consumed by Plaintiff had a hard piece of avocado stem hidden within it, not visible when biting into the food Plaintiff was served.
10. Plaintiff CHIPOTLE MEXICAN GRILL, INC. suffered severe injuries which arose from biting the foreign object that was located in the food.
11. Defendants CHIPOTLE MEXICAN GRILL, INC. and JOHN DOE, or through their agents were responsible for maintaining a safe environment and food which is safe to consume.
12. Defendants CHIPOTLE MEXICAN GRILL, INC. and JOHN DOE, or through their agents failed to keep the environment safe and ensure the safety of their products.
13. Plaintiff VIRGINIA GREAX continues to receive treatment for the injuries arising from this incident.

COUNT I – NEGLIGENCE

14. Plaintiff incorporates by reference paragraphs 1 through 13.
15. On or around June 26, 2021, Plaintiff VIRGINIA GREAX consumed a chicken bowl which contained a foreign object from CHIPOTLE MEXICAN GRILL, INC..
16. Defendants CHIPOTLE MEXICAN GRILL, INC. and JOHN DOE were responsible for the preparation and sale of the product.
17. Plaintiff VIRGINIA GREAX sustained injuries as a result of the foreign object found in the food injuring Plaintiff's teeth and mouth which required treatment and continues to require treatment.
18. Defendant CHIPOTLE MEXICAN GRILL, INC. and JOHN DOE had the following duties:
 - a. Prepare products that are safe and without risk of harm to the consumer
 - b. To provide reasonable care in ensure there has been no contamination in products that are made for immediate consumption.
19. Defendant CHIPOTLE MEXICAN GRILL, INC. and JOHN DOE breached these aforementioned duties.
20. That the proximate cause of Plaintiff's damages was the result of Defendants' breach of the duties owed to Plaintiff.
21. The Plaintiff suffered severe and extreme, emotional and physical injuries.

22. Plaintiff is continuing to receive treatment for injuries arising out of Defendant's negligence.
23. Solely as a result of the injuries caused by the aforementioned, Plaintiff has incurred damages, including:
 - a. Medical expenses;
 - b. Suffered great pain, inconvenience, embarrassment, and mental anguish;
 - c. Plaintiff's overall health, strength, and vitality have been greatly impaired;

WHEREFORE, the Plaintiff, VIRGINIA GREAU, hereby demands a judgment against the Defendants, jointly and severally, in whatever amount she is found to be entitled that is in excess of Twenty-Five Thousand (\$25,000.00) Dollars, together with costs, interest, attorney fees and any other remedy the Court deems just and proper.

COUNT II – BREACH OF IMPLIED WARRANTY

24. Plaintiff incorporates by reference paragraphs 1 through 23.
25. The food was defective when it left Defendants and was given to Plaintiff to consume, and was not reasonably safe for use, in that Plaintiff was injured when used in the intended manner.
26. The food's defect was a direct and proximate cause of Plaintiff's injury, and as a result his health suffered.
27. Solely as a result of the injuries caused by the aforementioned, Plaintiff has incurred damages, including:
 - a. Medical expenses;
 - b. Suffered great pain, inconvenience, embarrassment, and mental anguish;
 - c. Plaintiff's overall health, strength, and vitality have been greatly impaired;

WHEREFORE, the Plaintiff, VIRGINIA GREAU, hereby demands a judgment against the Defendants, jointly and severally, in whatever amount she is found to be entitled that is in excess of Twenty-Five Thousand (\$25,000.00) Dollars, together with costs, interest, attorney fees and any other remedy the Court deems just and proper.

COUNTY III – STATUTORY VIOLATION OF MCL 289.5101

28. Plaintiff incorporates by reference paragraphs 1 through 27.
29. That Defendants CHIPOTLE MEXICAN GRILL, INC. and JOHN DOE, herein owed a duty to Plaintiff to not manufacture, sell, deliver, hold, or offer for sale adulterated food according to the common laws of the State of Michigan applicable to said statutes.

30. Notwithstanding such duties Defendants CHIPOTLE MEXICAN GRILL, INC. and JOHN DOE, did violate MCL 289.5101 the same herein and said negligence did consist of more particularly:

- a. Manufacture, sell, deliver, hold, or offer for sale adulterated food.
- b. Did adulterate food.
- c. Did violate a provision of MCL 289.5101.

31. Solely as a result of the injuries caused by the aforementioned, Plaintiff has incurred damages, including:

- a. Medical expenses;
- b. Suffered great pain, inconvenience, embarrassment, and mental anguish;
- c. Plaintiff's overall health, strength, and vitality have been greatly impaired;

WHEREFORE, the Plaintiff, VIRGINIA GREAX, hereby demands a judgment against the Defendants, jointly and severally, in whatever amount she is found to be entitled that is in excess of Twenty-Five Thousand (\$25,000.00) Dollars, together with costs, interest, attorney fees and any other remedy the Court deems just and proper.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, VIRGINIA GREAX, demands judgment against Defendants, jointly and severally, in whatever amount above \$25,000 to which they are found to be entitled, plus costs, interest and reasonable attorney fees, and such other and further relief as the Court may deem just and equitable.

Date: February 25, 2022

Respectfully submitted,

/s/ Thomas G Krall

Thomas G. Krall (P75303)

Attorney for Plaintiff

26640 Harper Avenue

St. Clair Shores, MI 48081

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JURY DEMAND

NOW COMES Plaintiff, VIRGINIA GREAX, by and through her attorneys, KRALL
LAW OFFICES, PLLC and hereby demands a trial by jury to hear all claims.

Date: February 25, 2022

Respectfully submitted,

/s/ Thomas G Krall
Thomas G. Krall (P75303)
Attorney for Plaintiff
26640 Harper Avenue
St. Clair Shores, MI 48081

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